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Jay R. Berkovitz, *Law's Dominion: Jewish Community, Religion, and Family Life in Early Modern Metz*. Leiden and Boston: Brill, 2020. xv + 404pp. Maps, notes, bibliography, and index. \$76.00 U.S. (pb). ISBN 9789004417397; \$76.00 U.S. (eb). ISBN 9789004417403.

Review by David Ellenson, Hebrew Union College-Jewish Institute of Religion and Brandeis University.

Law's Dominion is a magisterial study that serves as a fitting climax to the life's work of a senior and distinguished professor who has devoted his career to the study and evolution of the French Jewish world from the early modern era through the modern period of European Jewish history. Berkovitz is a prolific scholar whose countless articles and numerous books on French Jewish history and Jewish law have justly earned him worldwide fame.

In the book under review, Berkovitz displays his mastery of French history, French Jewish history, Jewish history, modern sociology, diverse Jewish legal sources known only to the rare scholar in the field of French studies, and relevant archival holdings in France, Israel, and the United States relating to the Metz Jewish community of the eighteenth century. Building upon his superb two-volume *Protocols of Justice: The Pinkas of the Metz Rabbinical Court, 1771-1789* published in 2014, Berkovitz brings together communal registers (*pinkasim*) of the era, rabbinic responsa, and judicial rulings of rabbinical courts to compose a masterful and pathbreaking analysis of the Metz Jewish community in the 1700s within the dual frameworks of the contemporaneous French world and modern European Jewish history.^[1]

Law's Dominion is divided into three parts and eight chapters. Part one, "Foundations," provides a detailed account of how diverse Jewish legal sources can be used for the construction of Jewish history and goes on to describe the Metz community itself from religious, cultural, and economic perspectives. In part two, "Community, Governance, and Authority," Berkovitz details the structures of communal autonomy and administration that marked the Metz community and employs the notions of legal pluralism and legal centralism to indicate how the Metz community and its judges, rabbis, and courts interacted with and related to non-Jewish courts and governmental agencies. In these pre-Revolutionary times, he explores both lay and rabbinic judicial authority within the Metz *kehillah* and provides a sophisticated account of how Jewish leadership navigated through the shoals of French laws and jurisdictions to preserve communal identity in a world of multiple legal systems. Finally, part three, "Family Affairs," provides a granular account of family law and estates and describes in depth how positively women often fared in this pluralistic legal setting. Berkovitz here places his portraits of the legal and economic role and status of Jewish women in Metz against the backdrop of a larger historiographical debate

among scholars like Natalie Zemon Davis, James Collins, and Claudia Ulbrich as to the position and power of women in eighteenth century France.[2] He demonstrates that women were autonomously empowered in economic matters “to a remarkable degree” and that “prevailing assumptions” that women were always subordinated to men at this time must be called into question (p.296). His attention to larger historiographic debates and concerns, here as throughout his book, elevates detailed accounts of specific matters to illuminate broader issues of general historical and social interest.

This quality of identifying significant issues and trends amidst a morass of careful detailed reportage and analysis is a mark of the overarching strength and breadth of this book. In his epilogue, Berkovitz concludes that Judaism and Jewish communal legal structures and identity in eighteenth-century and post-revolutionary Napoleonic France were able to maintain their vitality in ways that cut against the grain of dominant trends in modern Jewish historiography. That historiography has argued that the process of secularization in modern Europe led consistently to the privatization and diminished influence of religion in the contemporaneous setting. *Law's Dominion* disputes this view and recasts ascendant models of modern Jewish history as they relate to the topics of Jewish emancipation and enlightenment. The scholarship Berkovitz puts forth in this book calls upon modern Jewish historians to recalibrate their previous understandings of the relationship between Judaism and the state and the pace and nature of modern Jewish secularization. Drawing on sociologists like Jose Casanova and Peter Berger who point out that the process of secularization in the West has proven to be uneven, Berkovitz contests the linear trajectory of a secularization thesis that holds that the Jewish community was in a continuous state of decline.[3] His work shows that such assumptions surely need to be tempered. *Law's Dominion* thereby provides a nuanced historical paradigm that extends in significance far beyond his specific portrait of the Metz community itself.

Berkovitz recognizes that the dominant trends in the Jewish historiography of this period builds upon the pioneering work of the late Jerusalem sociologist-historian Jacob Katz and his *Tradition and Crisis*, and an evaluation and appreciation of *Law's Dominion* can best be illuminated by a consideration of Katz and his work.[4] Berkovitz is unquestionably appreciative of the Hebrew University scholar's work. He acknowledges that Katz tellingly explained how Jews and Judaism moved from the confines of a traditional society to the challenges of coping with a neutral public arena in which the influence of religion in the public sphere came to be severely restricted. Katz defined and measured what this evolution meant for the beliefs of Judaism and the structures of Jewish life by engaging in what he identified, somewhat idiosyncratically, as “social history.”

Social history, as Katz characterized it, was not concerned with a single occurrence, but with overarching social reality at a given time. His approach to history was in a primary way sociological as he attempted to describe institutions within a framework informed by sociological tools. Profoundly influenced by the insights of Max Weber, Katz turned to Weberian methodology and its notion of the ideal type to highlight the transition of Judaism and the Jewish community into the modern world. The aim of the ideal type was to isolate elements of social reality to underscore their significance and importance. Katz deemed this theoretical construct appropriate for capturing the overarching nature as well as the institutions of Judaism and the Jewish community during the premodern period, and his *Exclusiveness and Tolerance* adopted this model to capture the character of the late medieval European Jewish world and its institutions. *Tradition and Crisis* then highlighted the journey of Jews and their communal structures from the medieval to the modern setting. The ideal type measured the adaptations that marked Jewish

leaders and institutions as the Jewish community coped with the onslaught brought on by this transformed reality. As a method designed to focus on institutions, *Tradition and Crisis* eschewed narrative history and emphasized how the overarching structures of the Jewish community were altered by Judaism's encounter with the modern world. In so doing, Katz offered an insightful analysis of how modernity had destroyed the traditional parameters of the Jewish community as a public corporation possessing legal authority over all its members. Katz concluded that by destroying communal legal bounds, the modern world had essentially defined Judaism in religious terms alone. In the process, Judaism was largely reduced to being a voluntary association. As the modern state had dismantled the traditional political structure of the community, Judaism became a matter of assumed identity, and Jewish beliefs and practices became issues for negotiation and re-negotiation. The ideal type allowed Katz to underscore this change. He masterfully applied it in an unparalleled way to an analysis of the historical conditions of the Jews in modernity, and it deservedly earned him near universal recognition as the preeminent historian of modern European Jewish history.

The social, educational, and religious institutions and patterns that informed Jewish life in the modern West were pluralistic and no longer exclusively Jewish. Consequently, the structures of modern European Jewish life could no longer foster and transmit the same unified notions of value, discipline, and conduct that they had during the Middle Ages. Modern Jewish life was simply too open and diffuse. As a result, it could not reflect the homogeneity of its medieval antecedent. Katz nevertheless insisted that this more open and pluralistic Jewish world could be comprehended, and he employed this notion of the "privatization of religion" to illuminate the process of change that defined modern Judaism as well as the diverse streams and institutions that were to flow from it. This sociological sensibility that informed his approach and its attendant concerns allowed Katz to identify important themes for indicating how and why pluralism had come to flourish in the modern setting. He could explain how and why modern Jewish individuals were able to establish and choose discrete sub-collectivities that could serve as mediating agencies for the promotion of diverse ideologies and practices within a larger Jewish world.

His sociological acumen allowed him to delineate the adaptive mechanisms that marked Jews and the Jewish community as they made the transition from the Middle Ages to modernity. In the eighteenth century, as the larger world moved from the realm of *Gemeinschaft* to the broader dimensions of *Gesellschaft*, processes of change in the larger world promoted transformations that marked the political structure as well as the social boundaries of the community. Katz contended that the activities of the traditional kehillah—payment of taxes, liquidation of businesses due to bankruptcy, collection of promissory notes, etc.—were transferred to the state. Jewish political autonomy and the coercive communal legal authority that accompanied it were destroyed with the advent of the modern world. Modernity allowed Jews to claim "new sources of authority" informed by notions drawn from the surrounding culture that caused the Jewish community and people to renew and reconstruct Jewish life apart from Jewish law and legal structures.

Law's Dominion modifies this entire portrait, and this book is therefore one of seminal significance for an understanding of modern Jewish history that has the potential to extend far beyond the bounds of the eighteenth-century Metz kehillah. Berkovitz points out that an analysis of the legal documents surrounding the Metz community of this time and place calls into question the claim that a medieval autonomous cultural-political Jewish community existed that served as a bulwark against the onslaught of modernity and acculturation. He demonstrates that this view rests on

several assumptions that require reconsideration. To begin with, the Katz position overly essentializes tradition on the one hand and modernity on the other. This has led to a tendency to see each in binary terms, and Berkovitz approvingly quotes the renowned scholar of the European Jewish early modernity David Ruderman as observing that the danger of “the false dichotomy between tradition and modernity” is “the implied teleology of a supposed progression from one to the other” (p. 57).^[5] Instead, as Berkovitz demonstrates through his analysis of the Metz legal documents of the 1700s, integration and cultural adaptation marked the Metz community of Jews as individuals, and the community at large through its courts and legal structures participated as a minority in the mainstream activities of the larger society. This means that absolute civic equality was not necessary for the process of Jewish modernization to occur. Instead, there was diversity and pluralism under state supervision, and the process of secularization was much more complex than a linear view suggests. Berkovitz thereby puts forth a much more dynamic and complex conception of Jewish communal autonomy and the process of secularization than that which has previously dominated Jewish historical accounts of this era.

In so doing, Berkovitz further touches upon the claims of sociology versus history. As one trained in historical sociology by Katz himself, I acknowledge that I tend to be sympathetic to the methodology of “social history” that Katz championed as well as the narrative he constructed of the Jewish passage from the confines of the Middle Ages to the openness and pluralism of the modern world. The great virtue of *Law’s Dominion* is that its exacting display of historical scholarship and analysis demands that a more refined depiction of this passage be called for if the complexity of the modern European Jewish story is to be told and if a more comprehensive and accurate portrait of modern European Jewish history is to emerge. *Law’s Dominion* offers a more nuanced portrait of the pace and nature of Jewish communal modernization in Europe. For this reason, the book is not only a delight to students of French Jewish history in the early modern era. It also informs the larger issues of modernization with which students of modern Judaism and the modern Jewish community grapple as they seek to explore Judaism in the modern world. It is a work that deserves a wide readership as its judicious judgments stimulate broader historiographical questions. The academic world is indebted to Berkovitz for this work.

NOTES

[1] Jay R. Berkovitz, *Protocols of Justice: The Pinkas of the Metz Rabbinical Court, 1771-1789*, two vols, (Leiden: Brill, 2014).

[2] See Natalie Z. Davis, “City Women and Religious Change,” in *Society and Culture in Early Modern France* (Palo Alto: Stanford, 1975), p. 94; James B. Collins, “The Economic Role of Women in Seventeenth-Century France,” *French Historical Studies* 16 (1989), pp. 436-470; and Claudia Ulbrich, *Shulamit and Margarete: Power, Gender, and Religion in a Rural Society in Eighteenth-Century Europe* (Boston: Brill, 1984).

[3] See Jose Casanova, *Public Religions in the Modern World* (Chicago: U. of Chicago Press, 1994) and Peter L. Berger, *The Desecularization of the World: Resurgent Religion and World Politics* (Washington, D.C.: Ethics and Public Policy Center, 1999).

[4] See Jacob Katz, *Exclusiveness and Tolerance: Studies in Jewish-Gentile Relations in Medieval and Modern Times* (New York: Behrman House Publishing, 1983) and *idem.*, *Tradition and Crisis: Jewish Society at the End of the Middle Ages* (New York: Syracuse University Press, 1993).

[5] See David B. Ruderman, “Looking Backward and Forward: Rethinking Modernity in the Light of Early Modernity,” in Jonathan Karp and Adam Sutcliffe, eds., *The Cambridge History of Judaism*, Vol. 7: The Early Modern World (Cambridge: Cambridge Press, 2018), p. 1107.

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